

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:20-CR-12-M-1

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	<u>ORDER</u>
JERMEL DAVIS,	)	
	)	
Defendant.	)	

On March 29, 2021, the Government filed an *Amended Motion for Revocation on Offender Under Supervised Release*. [DE-9]. In its motion the Government alleges Defendant has violated the terms of his supervised release by engaging in criminal conduct. In particular, the Government alleges:

[o]n January 15, 2020, the defendant was charged by the Washington Police Department with the offenses of Going Armed to the Terror of the People, Assault by Pointing a Gun, and Possession of Firearm by Felon. On October 13, 2020, Davis entered a plea of guilty, pursuant to Alford, to Possession of Firearm by Felon in Beaufort Court [sic] Superior Court (20CRS50092) and was sentenced to a 13 to 25 month term of imprisonment with credit for 271 days spent in pretrial confinement. Pursuant to a written plea agreement, the related charges were dismissed.

Id.

This matter came before the court for a preliminary examination of the Government's motion for revocation and, if necessary, for a hearing on the Government's motion to detain Defendant pursuant to 18 U.S.C. § 3142(f). On May 20, 2021, a hearing was convened, at which time the Government and Defendant, through counsel, made proffers to the court. The court determined the need for live witness testimony, and therefore continued the hearing in order for the parties to subpoena necessary witnesses. The matter was heard on May 27, 2021. The Government called

the following witnesses: Christopher Whitford, Jared Asby, Timothy Waters and Mickey Waters. Defendant called Dominic Farrow as a witness. Furthermore, the evidence presented consisted of written statements from the witnesses as well as the state court judgment.


The court finds the credible information presented, including that reflected in the findings below, establishes probable cause to support the government's motion for revocation of Defendant's supervised release.

The credible testimony at the hearing established the following: that on January 15, 2020 Defendant was employed by Oak Ridge Industries, where he worked with Christopher Whitford, Jared Asby, Timothy Waters, Mickey Waters and Dominic Farrow, and that on the evening of January 15, 2020 Defendant was seen by Whitford, Asby, and Timothy Waters to point a black pistol at Farrow at the workshop located at Oak Ridge. Mr. Farrow's testimony was equivocal on whether Defendant had a gun or pointed a gun at him. In particular, Farrow testified Defendant did not have a gun, then qualified his statement that he did not see Defendant with a gun. Testimony from Mickey Waters however, established that on the evening of January 15, 2020, he received a telephone call from Defendant inquiring whether he (Defendant) still had a job at Oak Ridge. When Waters inquired of Defendant the reason for such a question, Defendant admitted he had pointed a gun at Farrow earlier in the day at Oak Ridge.

Accordingly, based on this evidence, and for other reasons stated in open court, this court finds there is probable cause to support the government's motion to revoke Defendant's supervised release.

A hearing on whether Defendant shall be detained pending further proceedings is hereby set for June 3, 2021 at 9:30 a.m.

SO ORDERED, the 27th day of May 2021.

  
\_\_\_\_\_  
Robert B. Jones Jr.  
United States Magistrate Judge